

ENTERED

October 18, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ADAM SCOTT CRAPO,

Petitioner,

VS.

CITY OF BROWNSVILLE, *et al.*,

Respondents.

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CIVIL ACTION NO. 1:23-CV-119

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 14, 2023, Petitioner Adam Scott Crapo filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1) He alleges (1) that he was arrested and placed in state custody based on a false police report; (2) that he has been held without counsel; and (3) that he has been held without a court date being set. Crapo requests immediate release from custody.

Two days later, a United States Magistrate Judge issued a Report and Recommendation (Doc. 4) recommending that the Court dismiss Crapo's Petition without prejudice. Written objections were required to be filed within fourteen days after service of the Report and Recommendation.¹ FED. R. CIV. P. 72(b)(2). No party filed objections to the Report and Recommendation and the Court finds no plain error within it. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

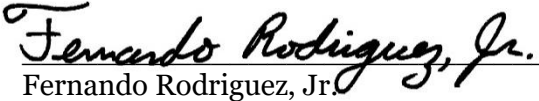
As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 4). It is:

ORDERED that Petitioner Adam Scott Crapo's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is directed to close this matter.

¹ Service can be effectuated by "mailing it to the person's last known address—in which event service is complete upon mailing". FED. R. CIV. P. 5(b)(2)(C). The Clerk of Court twice mailed the Report and Recommendation by certified mail to Crapo's address on file: first on August 15, 2023, and once again on September 14, 2023. (Docs. 4, 7) Although neither certified mail receipt was returned, service occurred "upon mailing".

Signed on October 18, 2023.


Fernando Rodriguez, Jr.
United States District Judge